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9 Attorneys for Defendants  
10 ALIGN TECHNOLOGY, INC. AND  
THOMAS M. PRESCOTT

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 CHARLES WOZNIAK, Individually and on ) CASE NO.: 3:09-cv-03671-MMC  
15 Behalf of All Other Similarly Situated, )  
16 Plaintiff, )  
17 v. )  
18 ALIGN TECHNOLOGY, INC. AND THOMAS )  
19 M. PRESCOTT, )  
20 Defendants. )  
21 \_\_\_\_\_)

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1           WHEREAS, Plaintiff Charles Wozniak filed a Complaint against Defendants Align  
2 Technology, Inc. and Thomas M. Prescott on August 11, 2009 (the “Action”);

3           WHEREAS, two motions to appoint lead plaintiff and lead counsel were filed in this  
4 Action on October 13, 2009;

5           WHEREAS, Defendants Align Technology, Inc. and Thomas M. Prescott were served on  
6 October 19, 2009;

7           WHEREAS, the hearing on the two motions to appoint lead plaintiff and lead counsel is  
8 currently scheduled before this Court on November 20, 2009 at 9:00 a.m.;

9           WHEREAS, the undersigned parties anticipate that, following the appointment of Lead  
10 Plaintiff, an amended complaint will be filed;

11          WHEREAS, the case management conference is currently scheduled before this Court on  
12 November 20, 2009 at 10:30 a.m.;

13          NOW, THEREFORE, in the interest of judicial economy and good cause showing, the  
14 parties, by and through their undersigned counsel of record, hereby agree and stipulate, and the  
15 Court hereby orders, as follows:

16          1.       Defendants need not respond to the complaint filed August 11, 2009.

17          2.       After the appointment of a Lead Plaintiff and Lead Counsel, defendants and Lead  
18 Plaintiff shall meet and confer to determine a schedule for the filing of an amended complaint,  
19 and defendants’ response thereto. The parties will file a stipulated schedule for approval by the  
20 Court.

21          2.       The case management conference currently scheduled for November 20, 2009 at  
22 10:30 a.m. shall be continued until after the Court’s ruling on defendants’ motions to dismiss.

23          The Parties respectfully request that the Court enter an Order approving this Stipulation.

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1 Respectfully submitted,

2 Dated: October 23, 2009

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6 By: \_\_\_\_\_/s/ Katherine L. Henderson  
7 Katherine L. Henderson

8 Attorneys for Defendants Align Technology, Inc. and  
9 Thomas M. Prescott

10 Dated: October 23, 2009

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14 By: \_\_\_\_\_/s/ Michael M. Goldberg  
15 Michael M. Goldberg

16 Attorneys for Plaintiff Charles Wozniak

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18  
19 **ORDER**

20 PURSUANT TO STIPULATION, IT IS SO ORDERED. The Case Management  
21 Conference is hereby CONTINUED to January 15, 2010. A Joint Case Management Statement  
shall be filed no later than January 8, 2010.

22 Dated: \_\_\_\_\_/s/ October 29, 2009

  
United States District Judge